REMARKS

INTRODUCTION

In accordance with the foregoing, no claims have been amended, cancelled, or added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-20 are pending and under consideration. Reconsideration is respectfully requested.

ACKNOWLEDGMENT OF REPLACEMENT FIGURES

In the Response to Office Action filed September 23, 2004, Applicants filed replacement sheets for Figs. 2, 3, 6, and 9. Applicants note that the Examiner has not yet acknowledged these corrections to the drawings, and respectfully request that the Examiner acknowledge the corrected figures in the next Office Action.

REJECTION UNDER 35 U.S.C. §102(b)

In the Office Action at page 2, numbered items 3-4, claims 1-6 and 9-20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,854,897 to Radziewicz, et al. (hereinafter Radziewicz). This rejection is traversed and reconsideration is requested.

Claim 1 is directed to an advertisement posting system that defines a geographical factor from location information and uses this factor to determine the cost of the advertisement. More specifically, claim 1 recites that the advertisement posting system includes "a geographical factor designation/acquisition unit defining a geographical factor to post an advertisement from location designation information" and "an advertisement-cost calculation unit calculating the cost of the advertisement in consideration of the geographical factor," as well as an advertisement posting unit.

As an advantage, in a non-limiting example, the geographical factor designation/acquisition unit allows for information regarding a geographical factor to be obtained from location-designation information input by a user or acquired by means of GPS (Global Positioning System). Thus, the exact position of a user is determined so that advertisements

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can be tailored to a geographical factor pertinent to the user and advertising resources are expended more efficiently because they advertisements are better tailored to the audience.

Applicants respectfully submit that Radziewicz fails to teach or suggest a geographical factor designation/acquisition unit defining a geographical factor to post an advertisement from location designation information. Rather, Radziewicz teaches that the announcements or advertisements transmitted are either selected by the announcement server 30 (the advertisement posting unit) or selected by the user. On page 2, item 5, of the Office Action the Examiner suggests that col. 7, lines 26-37 of Radziewicz teach that an advertisement may be posted based upon the IP address of the user terminal. Applicants respectfully submit that the cited portion of Radziewicz teaches that the IP address is used to look up the identity of a user stored in a database. Thus, Radziewicz does not teach that the IP address is used as a geographical factor in determining the transmitted advertisements.

Further, Applicants respectfully submit that Radziewicz fails to teach or suggest calculating the cost of an advertisement in consideration of a geographical factor. In the Office Action at page 2, in item 5, the Examiner cites col. 10, lines 3-15 and especially line 11 in support of the position that Radziewicz teaches calculating the cost of an advertisement in consideration of a geographical factor. Applicants respectfully submit that this citation discusses the storage of announcement data in storage device 42, and not calculation of advertising costs based on a geographical factor. Applicants acknowledge that Radziewicz teaches that the main controller 54 generates a billing schedule for determining the amount which the sponsoring entity should be charged (see col. 10, lines 3-6). Further, Radziewicz teaches that main controller 54 stores information including the advertisement's file name, play time, and the geographical area in which the advertisement has been played (see col. 10, lines 9-12), as well as any other information considered pertinent to the system's billing and processing requirement (see col. 10, lines 27-29). Applicants respectfully submit, however, that Radziewicz fails to teach or suggest that any of this stored information, especially geographical information, is pertinent to determining the cost of the advertisement in view of the geographical factor. Rather, lines 8-15 state "the controller 54 records other information about the advertisements, such as statistical information, including the advertisement's file name, play time, geographical area in which the advertisement has been played, IP address of the subscriber and/or URL of the computer 12 accessed, and any billing charge associated with the

playing of the announcement." Thus, Applicants respectfully submit that Radziewicz fails to teach or suggest that this recorded "other information," including information about the geographical area in which the advertisement has been played, is used as a factor in calculating the cost of an advertisement. Instead, Radziewicz at col. 10, line 10 states that this "other information" is "statistical information." Accordingly, Applicants respectfully submit that independent claim 1 and dependent claims 2 and 3, which have been amended to depend directly therefrom, patentably distinguish over Radziewicz for at least the reasons set forth above.

Further, claims 2 and 3 each recite that the advertisement-cost calculation unit calculates the cost of the advertisement in consideration of multiple factors – the geographical factor and either the status of use of the advertisement related to the geographical factor (claim 2) and the user information of the presented advertisement (claim 3). Applicants respectfully submit that, as Radziewicz fails to teach the consideration of any factors in determining advertising cost, Radziewicz also fails to teach the consideration of a combination of factors in determining advertising cost. Radziewicz at col. 10, lines 3-5 state only that "main controller 54 generates a billing schedule for determining the amount which the sponsoring person or entity should be charged." Radziewicz provides no information regarding how said billing schedule is generated. Thus, Applicants respectfully submit that claims 2 and 3 patentably distinguish over the prior art are in condition for allowance.

Claim 4 is directed to an advertisement posting system that calculates the cost of an advertisement based on a temporal factor, and posts the advertisement based on the temporal factor. As an advantage, in a non-limiting example, this allows an advertisement to be displayed according to a temporal factor such as time of day or season, or weekday/weekend. The cost of the advertisement would then be adjusted accordingly.

Applicants respectfully submit that, for at least the reasons set forth above, Radziewicz fails to teach or suggest the use of any factors in calculating advertising costs. For at least these reasons, Applicants respectfully submit that independent claim 4 and dependent claims 5 and 6 depending therefrom patentably distinguish over Radziewicz.

Further, claims 5 and 6 recite features similar to claims 2 and 3, respectively. Thus, Applicants respectfully submit that Radziewicz also fails to teach or suggest the consideration of a temporal factor in combination with status of use or user information to determine advertising

cost. Thus, Applicants respectfully submit that claims 5 and 6 are also in condition for allowance.

Independent claim 9 recites "a geographical designating/acquiring means for defining a geographical factor to post the advertisement from location designation information." As discussed above, Applicants respectfully submit that Radziewicz fails to teach or suggest any geographical designating/acquiring means. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that independent claim 9 and newly amended dependent claims 10 and 11 depending therefrom patentably distinguish over Radziewicz.

Independent claim 12 and dependent claims 13 and 14 are similar to independent claim 4 and claims 5 and 6 depending therefrom. Accordingly, Applicants respectfully submit that independent claim 12 and claims 13 and 14 depending therefrom patentably distinguish over the prior art for similar reasons as claims 4-6, as set forth above. Thus, Applicants respectfully submit that claims 12-14 are in condition for allowance.

Independent claim 15 recites "a geographical factor designation/acquisition unit defining a geographical factor to post an advertisement from location designation information," "an advertisement-cost calculation unit calculating the cost of the advertisement in consideration of the geographical factor and a temporal factor," and "an advertisement posting unit posting the advertisement on an information terminal in a manner related to the geographical factor and the temporal factor." As discussed above, Applicants respectfully submit that Radziewicz fails to teach or suggest a geographical factor designation/acquisition unit according to the present invention. Further, as previously addressed, Applicants submit that Radziewicz fails to teach or suggest that **any** factors are considered in calculation of cost by the advertisement-cost calculation unit. Similarly, Applicants submit that Radziewicz fails to teach or suggest that an advertisement posting unit posts an advertisement on an information terminal in a manner related to both a geographical factor AND a temporal factor. For at least these reasons, Applicants respectfully submit that claim 15 and claims 16 and 17 depending therefrom patentably distinguish over the prior art and, therefore, are in condition for allowance.

Independent claim 18 and claims 19 and 20 depending therefrom recite features similar to those of independent claim 15 and dependent claims 16 and 17. Accordingly, Applicants respectfully submit that claims 18-20 patentably distinguish over the prior art for reasons similar to claims 15-17 and, therefore, are in condition for allowance.

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REJECTION UNDER 35 U.S.C. §103(a)

In the Office Action at page 3, numbered item 6, claims 7-8 were rejected under 35 U.S.C. §103(a) as being obvious over Radziewicz. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

In the Office Action at page 2, item 6, the Examiner acknowledges that Radziewicz fails to teach a base cost calculation table for use in computing the cost of advertisement. For at least this reason, Applicants respectfully submit that Radziewicz fails to render claims 7 and 8 obvious. While Applicants acknowledge the Radziewicz does teach table look up for determining the identity of a user from an IP address, Applicants respectfully submit that there is no teaching or suggestion to add a base cost calculation table to Radziewicz. Even if "table lookup is a common and efficient mechanism for performing computerized calculations as a function of a finite number of factors," Radziewicz fails to teach or suggest a base cost calculation table as in the present invention.

For at least these reasons, Applicants respectfully submit that claims 7 and 8 patentably distinguish over the prior art and, therefore, are in condition for allowance.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: April 6, 2005
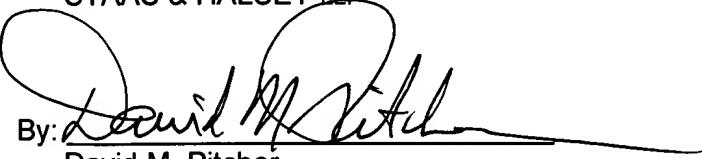
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